SUPREME COURT, U. S.

NOV 1 1967

JOHN F. DAVIS, CLERK

Supreme Court of the United States

No. 532

E. B. WELCH,

Petitioner,

v.

AMERICAN PRESIDENT LINES, LTD.,

Respondent.

MOTION FOR LEAVE TO FILE A BRIEF *AMICUS CURIAE*

American Trial Lawyers Association
Admiralty Section

By: Paul S. Edelman

PAUL S. EDELMAN,
99 Park Avenue,
New York, New York.

On Petition and Brief.

Supreme Court of the United States

No. 532

E. B. WELCH,

Petitioner,

v.

AMERICAN PRESIDENT LINES, LTD.,

Respondent.

MOTION FOR LEAVE TO FILE A BRIEF *AMICUS CURIAE*

The American Trial Lawyers Association, *Amicus Curiae* respectfully moves for leave to file the annexed brief in favor of Petitioner, and to extend the time for filing therefor. An affidavit in support of this motion is attached hereto.

PAUL S. EDELMAN,
for the American
Trial Lawyers Association.

Affidavit of Paul S. Edelman.

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

PAUL S. EDELMAN, being duly sworn deposes and says, in support of the motion of the American Trial Lawyers Association to file a brief, *Amicus Curiae,* and to extend the time for filing therefor:

I am an attorney admitted to this Court, designated by the American Trial Lawyers Association to file papers as *Amicus Curiae* in support of the position of the Petitioner herein.

The Statement of Interest of the American Trial Lawyers Association; Statement of the Case and Brief have already been served on the parties and filed with the Court.

Delay in filing the Petition and Brief was unfortunately occasioned by difficulties in communication among members of the Admiralty Committee and lack of precise knowledge as to when the Petition for Certiorari was in fact to be filed. The ultimate responsibility was of course mine as the attorney designated to state the position of the Association, and as such I express my regrets to the Court.

As stated, the Association is very much concerned that a crew member under the decision of the Court below, may be required to have his damages substantially reduced when he is acting in compliance with a direct order which he must follow under shipboard rules of discipline.

Consent of the Respondent has unfortunately not been given to the Association to file a brief *Amicus Curiae,* but the consent of the Petitioner has been given.

WHEREFORE, it is respectfully requested that permission be given to the American Trial Lawyers Association to file a brief *Amicus Curiae* and that the time to file same be extended.

PAUL S. EDELMAN.

Sworn to this 31st day of
October, 1967.

Certificate.

This is to certify that on the 31st day of October, 1967, copies of the above notice of motion and affidavit have been forwarded to:

Graydon S. Staring, attorney for respondent, at his office at 311 California Street, San Francisco, California 94101;

Lillick, McHose, Wheat, Adams & Charles, counsel for respondent, at their offices at 311 California Street, San Francisco, California 94101; and to

Jarvis, Miller & Stender, attorneys for petitioner, at their offices at 123 Second Street, San Francisco, California 94105.

PAUL S. EDELMAN.